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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,087	12/12/2007	Diego Caviglia	4015-5832	9924
24112 7590 03/30/2011 COATS & BENNETT, PLLC 1400 Crescent Green, Suite 300 Cary, NC 27518				
EXAMINER HARPER, KEVIN C				
ART UNIT		PAPER NUMBER		
2462				
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03/30/2011		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/598,087

Applicant(s)

CAVIGLIA ET AL.

Examiner

Kevin C. Harper

Art Unit

2462

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-37 and 39-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-37 39-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-940)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 23, 2010 has been entered.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 24-37 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monga et al. (US 7,321,932) in view of Shabtay et al. (US 7,345,991).

1. Regarding claims 24-30 and 58, Monga discloses a protection system for first and second communication networks (fig. 1, items 110, 130) interconnected by an ASTN (col. 4, lines 13-15) having an control plane (fig. 3), the first and second networks having primary terminal nodes (items 110, 130; col. 4, lines 47-51). The ASTN control plane implements signaling and polling mechanisms to switch traffic between the nodes (col. 12, line 61 through col. 13, line 10; note

link state advertisements are polls) based on alarm monitoring on a client side of the ASTN (col. 12, lines 62-65).

2. However, Monga does not disclose secondary edge nodes and switching to the secondary edge nodes. Shabtay discloses secondary edge nodes (fig. 1, edge switch C and G; col. 13, lines 49-51). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have secondary nodes to for a connection in the invention of Monga in order to provide backup nodes when the primary nodes fail (Shabtay, col. 13, lines 49-51).

3. Regarding claims 31-34, in Monga, a failed, missed or delayed advertisement as standardized in link state routing is a failed synchronization attempt (col. 12, line 64).

4. Regarding claims 35-37, the end node can determine routing and faults (fig. 4, item 410; col. 7, lines 1-3; col. 6, lines 21-30).

Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Monga in view of Shabtay as applied above, and further in view of Licata et al. (US 2003/0206515).

5. Monga does not disclose TMN ITU-T M. 3010. Meandzija (US 2002/0085571) discloses TMN ITU-T M. 3010 (para. 32). Therefore, it would have been obvious to one skilled in the art to use TMN ITU-T M. 3010 in the invention of Monga to provide a specific standardized network control as desired.

Claims 40-57 rejected under 35 U.S.C. 103(a) as being unpatentable over Monga in view of Shabtay as applied above above, and further in view of Licata et al. (US 2003/0206515).

6. Regarding claims 40-57, Monga does not disclose a MS-SPRing or SNCP network. Licata discloses a standardized MP-SPRing and standardized SNCP network (fig. 1; paras. 3 and

7). Therefore, it would have been obvious to one skilled in the art to have an MS-SPRing network in the invention of Monga to provide a specific standardized network as desired.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao, can be reached at 571-272-3174. The centralized fax number for the Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is kevin.harper@uspto.gov.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see portal.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin C. Harper/

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Primary Examiner, Art Unit 2462

March 28, 2011